



CenturyLink™

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EX PARTE

November 20, 2017

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: *Restoring Internet Freedom*, WC Docket No. 17-108

Dear Ms. Dortch:

On Thursday, November 16, 2017, Joe Cavender and I, on behalf of CenturyLink, met with Jay Schwarz, Legal Advisor to Chairman Pai regarding the above-captioned matter. On Monday, November 20, 2017 Mr. Cavender and I met with Kris Monteith, Bureau Chief, Madeleine Findley, Deputy Bureau Chief of the Wireline Competition Bureau, and Daniel Kahn, Division Chief of the Competition Policy Division of the Wireline Competition Bureau regarding the above-captioned matter. In the meetings, we made the following points.

CenturyLink believes the Commission should not relinquish its authority over Internet traffic exchange arrangements, sometimes called interconnection or peering agreements. Further, CenturyLink would oppose a declaration that the Commission has no authority at all over Internet traffic exchange. Indeed, if the Commission does re-assert Title I jurisdiction over Internet traffic it would be unreasonable, and likely unlawful, for the Commission simultaneously to deny jurisdiction to resolve disputes related to violations of the underlying policies and rules on which such Title I jurisdiction rests.

Generally, in CenturyLink's experience, agreements for the exchange of Internet traffic are best left to commercial negotiation. However, it is a well-established principle of law, economics, and common sense that commercial negotiation does not work well in a vacuum. It is important for the Commission to serve as a regulatory backstop to ensure that those negotiations can produce reasonable agreements reflecting the interests of the parties, consistent with law and the public interest. Having the Commission available to hear complaints should the need arise will deter providers from engaging in the most egregious, heavy-handed negotiating tactics. On the other hand, if the Commission were to disclaim its authority over Internet traffic exchange arrangements, CenturyLink is concerned that there is

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a potential for traffic exchange negotiations to break down or lead to unreasonable arrangements, which would have real costs for consumers and the Internet ecosystem.

CenturyLink observed that while the current open Internet framework provides for authority to hear complaints only regarding the traffic exchange practices of consumer ISPs, it would be preferable for Commission jurisdiction to cover, and provide for the ability to hear complaints regarding, the Internet traffic exchange practices of all parties engaged in such traffic exchange, including consumer ISPs as well as Internet transit or other providers.

Pursuant to Section 1.1206(b) of the Commission's rules, a copy of this notice is being filed in the above-referenced docket. Please contact me if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeffrey D. Zang". The signature is fluid and cursive, with a horizontal line extending from the end.

Copies via email to:

Jay Schwarz
Kris Monteith
Madeleine Findley
Daniel Kahn